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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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OUTDOOR PRODUCT INNOVATIONS,  
INC.,

Plaintiff,

vs.

Case No. 1:18-CV-02457

JEST TEXTILES, INC., et al.,

Defendants.

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Deposition of
JAMES LEVIS

June 21, 2019

9:49 a.m.

Taken at:

Singerman, Mills, Desberg & Kauntz Co., L.P.A.
3333 Richmond Road, Suite 370
Beachwood, Ohio

Renee L. Pellegrino, RPR, CLR

EXHIBIT

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<p style="text-align: right;">Page 6</p> <p>1 MR. STAVNICKY: We're here for the 2 continued deposition of Outdoor Product 3 Innovations representatives under the 30(b)(6) 4 that we issued. 5 JAMES LEVIS, of lawful age, called for 6 examination, as provided by the Federal Rules 7 of Civil Procedure, being by me first duly sworn 8 as hereinafter certified, deposed and said as 9 follows: 10 EXAMINATION OF JAMES LEVIS 11 BY MR. STAVNICKY: 12 Q. Can you state your name for the 13 record, please? 14 A. James Levis. 15 Q. And spell your last name, please. 16 A. L-e-v-i-s. 17 Q. And what's your home address? 18 A. 131 Barrington Court, Elyria, Ohio 19 44035. 20 Q. Can you repeat the address? 21 A. 131 Barrington Court. 22 Q. Elyria? 23 A. Elyria. 24 Q. What's the zip? 25 A. 44035.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Nothing to do with Mr. Reaser. 2 Q. Same with the divorce, nothing to do 3 with Mr. Reaser? 4 A. Nothing to do with Mr. Reaser. 5 Q. In the instances you were an expert, 6 can you recall the names of the folks who hired 7 you? 8 A. The one I was hired by -- the one 9 that was a divorce case, I was hired actually by 10 the court to do a valuation of the business. 11 Q. By Lorain Court or where was it? 12 A. It was Cuyahoga County. 13 Q. Hired by the court? 14 A. Yes. 15 Q. And that was a divorce? 16 A. That was a divorce case, valuation 17 of a business. 18 Q. What was the next one? 19 A. The next one was in Lorain County 20 Court. It had to do with value of a land 21 contract. 22 Q. Do you remember who your client was 23 or who the party was? 24 A. Once again, I was hired -- in that 25 case I was hired by the law firm.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Have you had your deposition taken 2 before, this process? 3 A. Yes, I have. 4 Q. About how many times? 5 A. About five. 6 Q. What types of cases? 7 A. Three times I was an expert witness; 8 twice I was, I guess, a witness of fact. 9 Q. Roughly how long ago were the 10 depositions, like in the last ten years, 20 11 years? 12 A. Probably -- the last one was 13 probably in the last four years, and the other 14 ones would have been in the last five to 15. 15 Q. The two times that you were a fact 16 or a business witness, not an expert witness, 17 what were those cases? 18 A. One was involving a divorce. The 19 other was regarding a business dispute. 20 Q. Did it have anything to do with this 21 case or with OPI? 22 A. No. 23 Q. Totally different clients? 24 A. Totally different. 25 Q. Nothing to do with Dan Reaser?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Which law firm? 2 A. Trigilio Stephenson. 3 Q. And what was the third instance as 4 an expert? 5 A. The third one was a business dispute 6 between two contractors. 7 Q. Contractors like construction 8 contractors? 9 A. Construction contractors, correct. 10 Q. And who hired you in that one? 11 A. The attorney. 12 Q. Who was the attorney? 13 A. I don't recall his name. 14 Q. Do you remember where it was? 15 A. It was in Cuyahoga County. 16 Q. Did any of these five ever involve 17 Mr. Reaser or OPI? 18 A. No. 19 Q. Or American Hood? 20 A. None of them involved any of 21 Mr. Reaser's entities. 22 Q. So just stand-alone cases? 23 A. Correct. 24 Q. All right. So you've had a decent 25 amount of experience with a deposition, so I'll</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Tax day. Fun for you. Well, no.</p> <p>2 Not quite tax day.</p> <p>3 MR. CUPPAGE: Close enough.</p> <p>4 Q. What was the sale? Was it an asset</p> <p>5 sale? Was it a stock sale?</p> <p>6 A. It was an asset sale.</p> <p>7 Q. After the sale did you have any</p> <p>8 affiliation with American Hood?</p> <p>9 A. No.</p> <p>10 Q. So once the sale is done, your work</p> <p>11 with American Hood was done?</p> <p>12 A. I did one project for the accounting</p> <p>13 firm that purchased American Hood.</p> <p>14 Q. When you say "accounting firm," you</p> <p>15 mean Weinberg Capital?</p> <p>16 A. I mean Weinberg Capital's accounting</p> <p>17 firm.</p> <p>18 Q. Do you remember who their accounting</p> <p>19 firm was?</p> <p>20 A. I'm picturing their logo and I'm not</p> <p>21 coming up with their name.</p> <p>22 Q. If it pops up in your head at some</p> <p>23 point, give me a holler. Regional firm,</p> <p>24 national?</p> <p>25 A. Local, over here.</p>	<p style="text-align: right;">Page 28</p> <p>1 not?</p> <p>2 A. It was a mutual agreement between</p> <p>3 the two of them.</p> <p>4 Q. I appreciate your answer. What I'm</p> <p>5 saying is, it wasn't as if in the original sale</p> <p>6 documents there was like a landmark date that he</p> <p>7 would be bought out by X?</p> <p>8 A. No, there was not.</p> <p>9 Q. It was just a mutual deal after the</p> <p>10 fact?</p> <p>11 A. Correct.</p> <p>12 Q. Because I've seen it with deals</p> <p>13 where there's a purchase of a former business</p> <p>14 and there's like an earn-out and then there's</p> <p>15 like a window for that person, they'll be an</p> <p>16 employee for two years and then they go away</p> <p>17 because they need to transition.</p> <p>18 A. Um-hum.</p> <p>19 Q. When did you start working with OPI?</p> <p>20 And by OPI, I mean Outdoor Product Innovations.</p> <p>21 A. Since its inception.</p> <p>22 Q. Which was approximately '15?</p> <p>23 A. 2015, correct.</p> <p>24 Q. Did OPI and American Hood ever</p> <p>25 simultaneously exist?</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And I apologize. You said it was an</p> <p>2 asset sale?</p> <p>3 A. Yes.</p> <p>4 Q. Mr. Reaser was a little unsure,</p> <p>5 because it was complex, I think the exact nature</p> <p>6 of what it was. Was he still a shareholder or</p> <p>7 owner post-sale?</p> <p>8 A. He was a minority shareholder in an</p> <p>9 entity that they had established.</p> <p>10 Q. Like they set up a single asset</p> <p>11 holding company or something?</p> <p>12 A. I'm not quite sure, but he was a</p> <p>13 minority shareholder in one of the entities they</p> <p>14 had set up.</p> <p>15 Q. Do you know the name of the entity?</p> <p>16 A. I don't recall.</p> <p>17 Q. Is he still a minority owner?</p> <p>18 A. No, he's not.</p> <p>19 Q. Was there an earn-out or buy-out or</p> <p>20 was it just supposed to end at some point?</p> <p>21 A. They just bought him out.</p> <p>22 Q. Do you know when that happened?</p> <p>23 A. Sometime in 2017.</p> <p>24 Q. Did they have an option to buy him</p> <p>25 out? Was it something that was preplanned or</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. For about how long?</p> <p>3 A. Approximately a year.</p> <p>4 Q. When it first started, what did you</p> <p>5 do for OPI?</p> <p>6 A. Very little. Probably just the tax</p> <p>7 work for it.</p> <p>8 Q. Have you ever been a W-2 employee of</p> <p>9 OPI?</p> <p>10 A. No, I have not.</p> <p>11 Q. When did your work or</p> <p>12 responsibilities transition at OPI, like what</p> <p>13 time frame?</p> <p>14 A. Probably in 2017.</p> <p>15 Q. And what did your responsibilities</p> <p>16 become then?</p> <p>17 A. As the company started to grow and</p> <p>18 develop product, I sat down and started doing</p> <p>19 budgeting work with Mr. Reaser, analyzing</p> <p>20 potential product lines.</p> <p>21 Q. Initially did you have an office at</p> <p>22 OPI?</p> <p>23 A. No, I did not.</p> <p>24 Q. Do you currently?</p> <p>25 A. I currently share an office, yes.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. Who do you share it with?</p> <p>2 A. Mrs. Reaser.</p> <p>3 Q. Mrs. Reaser, his wife, or his</p> <p>4 daughter?</p> <p>5 A. Wife.</p> <p>6 Q. Sorry. The Mrs. Thank you.</p> <p>7 What's her first name?</p> <p>8 A. Mila.</p> <p>9 Q. Say it again.</p> <p>10 A. Mila, M-i-l-a.</p> <p>11 Q. And currently how many days a week</p> <p>12 are you at OPI's offices?</p> <p>13 A. Currently it's as needed. So right</p> <p>14 now I'm probably there a day, day and a half.</p> <p>15 Q. So at this point in time it's a</p> <p>16 little bit less than it was at the end of</p> <p>17 American Hood, you spend a little bit more time</p> <p>18 with your accounting firm than at OPI?</p> <p>19 A. Correct.</p> <p>20 Q. How many partners or owners of your</p> <p>21 accounting firm are there?</p> <p>22 A. Two.</p> <p>23 Q. Just the two named partners?</p> <p>24 A. Yes.</p> <p>25 Q. And for the time frame of the end of</p>	<p style="text-align: right;">Page 32</p> <p>1 ordered were correct.</p> <p>2 Q. What's the accounting software that</p> <p>3 they use; do you know?</p> <p>4 A. They use -- it is QuickBooks for</p> <p>5 manufacturers.</p> <p>6 Q. And has it always been QuickBooks</p> <p>7 for manufacturers since OPI began?</p> <p>8 A. Yes.</p> <p>9 Q. When did you first become aware of</p> <p>10 Jest Textiles?</p> <p>11 A. Mr. Reaser called me in the</p> <p>12 beginning of May of 2018 and asked me to attend</p> <p>13 a meeting with Jest Textiles.</p> <p>14 Q. Prior to May of 2018 no dealings</p> <p>15 with them?</p> <p>16 A. No dealings with them. I was</p> <p>17 somewhat familiar with their name because I had</p> <p>18 seen their name in purchasing journals up until</p> <p>19 then, but no contact with them before that.</p> <p>20 Q. So Mr. Reaser testified the other</p> <p>21 day that there was some smaller projects that</p> <p>22 they had worked on with Jest Textiles I think</p> <p>23 from between 2015 and 2017, like maybe 12,</p> <p>24 10,000 units. You wouldn't have been involved</p> <p>25 in that?</p>
<p style="text-align: right;">Page 31</p> <p>1 2017 to the present, what are your</p> <p>2 responsibilities for OPI?</p> <p>3 A. My responsibility is I probably meet</p> <p>4 weekly or daily with Cathy Nadolski, their</p> <p>5 accounting person. I'm available by phone to</p> <p>6 her. She probably calls me several times a week</p> <p>7 to bounce transactions off of me. Any help</p> <p>8 Cathy needs with specific accounting issues, I</p> <p>9 go over and help her with that. The other part</p> <p>10 is as Mr. Reaser is investigating different</p> <p>11 things and businesses, I do a lot of special</p> <p>12 projects for him.</p> <p>13 Q. Like looking into the products or</p> <p>14 looking into the background of the companies?</p> <p>15 What type of special projects?</p> <p>16 A. Looking into profitability of sales,</p> <p>17 reviewing potential new products that we would</p> <p>18 develop, the profitability of that, the gross</p> <p>19 margin on those. Things like that. And if</p> <p>20 there's any issue with the accounting system,</p> <p>21 I'll take a look at that. I help them set up</p> <p>22 inventory controls so that we know that we have</p> <p>23 the product in place to deliver timely. I've</p> <p>24 also helped him sit down and do projections for</p> <p>25 inventory to make sure the quantities that we</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I had no involvement in that.</p> <p>2 Q. And you wouldn't have been involved</p> <p>3 in conversations with Kerry Forsdahl or Doug</p> <p>4 Graves in October, November or December of '17?</p> <p>5 A. No, I would not.</p> <p>6 Q. Have you ever met Kerry?</p> <p>7 A. Yes, I have.</p> <p>8 Q. How many times?</p> <p>9 A. Once.</p> <p>10 Q. At that meeting in May?</p> <p>11 A. Correct.</p> <p>12 Q. Of 2018?</p> <p>13 A. I'm sorry. I've met her three</p> <p>14 times, once in the meeting in May, once at the</p> <p>15 federal court, and when she was here to give her</p> <p>16 deposition.</p> <p>17 Q. But only once out of court</p> <p>18 proceedings?</p> <p>19 A. Correct.</p> <p>20 Q. Have you ever met Doug?</p> <p>21 A. No.</p> <p>22 Q. Or Maryann Vinci?</p> <p>23 A. I've never met Maryann.</p> <p>24 Q. Have you ever been to China?</p> <p>25 A. I have never been to China.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Which answers the question you have 2 never met with any of the manufacturers or 3 suppliers for Jest that are in China? 4 THE WITNESS: Can I have a minute 5 with Mr. Cuppage, please? 6 MR. STAVNICKY: Sure. 7 (Short recess had.) 8 MR. STAVNICKY: Back on the record. 9 A. I met with one of the suppliers. 10 Q. In the U.S.? 11 A. In the U.S. 12 Q. Who was the supplier? 13 A. Nine Bulls. 14 Q. When was that? 15 A. Two weeks ago. 16 Q. Was the meeting with regard to 17 hunting blinds? 18 A. The meeting was just a meeting to 19 get to know them. 20 Q. Was the meeting in the Cleveland 21 area? 22 A. Yes. 23 Q. And who did you meet with? 24 A. The owner and his daughter-in-law. 25 Q. Do you know their names?</p>	<p style="text-align: right;">Page 36</p> <p>1 paying for what we were receiving. 2 Q. Prior to May of 2018, though, you 3 wouldn't have been involved in issuing purchase 4 orders to Jest? 5 A. No, I would not have. 6 Q. Or the prior payments to Jest from 7 whatever, 2015 to May of 2018? 8 A. No, I would not have been involved. 9 Q. So when you do, for example -- 10 looking at Exhibit 35, which lists payments to 11 Jest -- 12 A. Yes. 13 Q. -- you're relying upon information 14 that you've received from the folks at OPI? 15 A. No. 16 Q. What are you relying upon? 17 A. Information I received from Jest. 18 Q. This is information from Jest on the 19 payments? 20 A. Correct. 21 Q. How do you cross-confirm it with 22 OPI? 23 A. Okay. What would happen -- I can 24 walk you through the whole process. 25 Q. Um-hum.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. No. 2 Q. Can you try to get their names? 3 A. I can tell you -- well, I guess the 4 daughter-in-law's name, she goes by Crystal in 5 this country, and I do not have a clue on the 6 gentleman's name. 7 Q. So is it a fair statement to say 8 that the first time you had any -- I'm trying to 9 think of the best term -- any significant 10 dealings with Jest is May of 2018? 11 A. Correct. 12 Q. And that's the first time? Whether 13 through OPI or Kerry, that was the first time 14 you really got involved in that process? 15 A. Correct. 16 Q. What was the purpose of your 17 involvement in May of '18? 18 A. Mr. Reaser contacted me to say they 19 were doing this project with Jest, he was 20 concerned about the amount of money that had 21 been paid to Jest and the lack of results that 22 he felt, and he felt that he needed me to get 23 involved to help him with the accounting and to 24 actually see what was going on and to put the 25 controls in place to make sure that we were</p>	<p style="text-align: right;">Page 37</p> <p>1 A. What would happen is Maryann at Jest 2 would send me a copy of the invoice. Generally 3 I would receive the copy of the invoice when the 4 product went to port in China. Then I would 5 receive generally an e-mail from her either 6 later that week or the following week saying 7 these invoices need to get paid. I would go 8 over to OPI at that point. I would meet with 9 Mick Maynard, who had a program on his computer 10 that would give us the status of all the ships 11 and where the order was. After I would confirm 12 that the product was due in port timely, then we 13 would -- then I would check off the invoices 14 that those pertained to. Mr. Reaser and I would 15 get together, I would review the status of those 16 invoices and those shipments with him, and then 17 we would authorize payment to Jest. 18 Q. You couldn't authorize payment to 19 Jest? 20 A. No. I would make recommendations 21 and I would walk -- make the recommendations 22 based on the verbal agreements that we had with 23 Kerry and Jest. 24 Q. And I'm using an example, but if 25 Mr. Reaser said "Don't pay that," you can't</p>

<p style="text-align: right;">Page 38</p> <p>1 supersede him?</p> <p>2 A. No, I cannot.</p> <p>3 Q. Was there anyone other than</p> <p>4 Mr. Reaser that had the ultimate authority to</p> <p>5 decide to pay or not pay?</p> <p>6 A. No, there was not.</p> <p>7 Q. So I'm going to give you an easy out</p> <p>8 here because it streamlines our day here today.</p> <p>9 You were not involved with the negotiation of</p> <p>10 the original purchase orders, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Or the terms of shipment? Were you</p> <p>13 involved with the original negotiation of the</p> <p>14 terms of shipment?</p> <p>15 A. I was not.</p> <p>16 Q. Were you involved with the original</p> <p>17 negotiations of the terms of payment?</p> <p>18 A. Not the original I was not.</p> <p>19 Q. Were you involved with the initial</p> <p>20 determination of who would pay freight?</p> <p>21 A. No, I was not.</p> <p>22 Q. Were you involved with the initial</p> <p>23 determination and negotiations on who would pay</p> <p>24 taxes or duty?</p> <p>25 A. No, I was not.</p>	<p style="text-align: right;">Page 40</p> <p>1 cannot specifically give you my clients' names.</p> <p>2 Q. Tell me the industries, and then I'm</p> <p>3 going to try to go around that as best I can.</p> <p>4 A. I have an engineering firm that I do</p> <p>5 it for and I have a law firm that I do it for.</p> <p>6 Q. Do they have any affiliation with</p> <p>7 OPI?</p> <p>8 A. They have none.</p> <p>9 Q. Or with Mr. Reaser?</p> <p>10 A. None whatsoever.</p> <p>11 Q. With Jest?</p> <p>12 A. None whatsoever.</p> <p>13 Q. Or with this lawsuit?</p> <p>14 A. None whatsoever.</p> <p>15 Q. As of the beginning of your</p> <p>16 involvement with Jest on a more significant</p> <p>17 basis -- we're going to use kind of May of 2018</p> <p>18 as the line of demarcation -- what was your</p> <p>19 understanding of the deal between OPI and Jest?</p> <p>20 A. The day -- and I guess I'm not clear</p> <p>21 with what you're asking me.</p> <p>22 Q. What's your understanding of what</p> <p>23 the contractual arrangement was between OPI and</p> <p>24 Jest?</p> <p>25 MR. CUPPAGE: And you're referring</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Do you have a title currently at</p> <p>2 OPI?</p> <p>3 A. Yes.</p> <p>4 Q. What's your title?</p> <p>5 A. Chief financial officer.</p> <p>6 Q. And when did you get that title?</p> <p>7 A. 1-1-19. That's when it was</p> <p>8 formalized.</p> <p>9 Q. But still not an employee?</p> <p>10 A. Still not an employee.</p> <p>11 Q. Do you get a payment in addition to</p> <p>12 the bills for consulting?</p> <p>13 A. No, I do not.</p> <p>14 Q. So there's no separate distinct</p> <p>15 payment even if it's a 1099 for being the CFO?</p> <p>16 A. All the invoices come through Levis</p> <p>17 Seguin. I do this for two other companies on a</p> <p>18 limited basis.</p> <p>19 Q. Outside CFO?</p> <p>20 A. Yes. On a limited basis as well.</p> <p>21 Q. What are the other companies?</p> <p>22 MR. CUPPAGE: Are you going to</p> <p>23 object to that?</p> <p>24 A. I'm going to object to that. I'll</p> <p>25 tell you the industries that they're in but I</p>	<p style="text-align: right;">Page 41</p> <p>1 to when he first became involved?</p> <p>2 Q. After you become involved, yes.</p> <p>3 MR. CUPPAGE: I think that's what</p> <p>4 you said. I just want to make sure.</p> <p>5 A. Jest was going to provide blinds to</p> <p>6 OPI.</p> <p>7 Q. Did you have an understanding after</p> <p>8 May of 2018, as of May or after May, at any</p> <p>9 point after May 1st, 2018, who was supposed to</p> <p>10 pay duty or tariffs?</p> <p>11 A. My understanding was that OPI was to</p> <p>12 receive their blinds full cost, full absorption</p> <p>13 cost, included all expenses.</p> <p>14 Q. Where did you get that understanding</p> <p>15 from?</p> <p>16 A. My understanding is from</p> <p>17 conversations that I had with Kerry,</p> <p>18 conversations that I had with Mr. Reaser,</p> <p>19 conversations that were going on when I was in</p> <p>20 the room.</p> <p>21 Q. Conversations with Kerry?</p> <p>22 A. Yes.</p> <p>23 Q. Is it your testimony that you heard</p> <p>24 Kerry Forsdahl or anybody from Jest say duty is</p> <p>25 Jest's responsibility or tariffs are Jest's</p>

<p style="text-align: right;">Page 70</p> <p>1 A. Yes.</p> <p>2 Q. But you never went through it?</p> <p>3 A. No. This was sent to me by</p> <p>4 Mr. Reaser as a way of me holding and making</p> <p>5 sure we had all these accumulated together.</p> <p>6 Q. We can look at number 12. Again,</p> <p>7 this is another e-mail chain between yourself</p> <p>8 and Maryann Vinci at Jest, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Again, if you look at the top, it's</p> <p>11 talking about payment and it says in the subject</p> <p>12 line "Urgent," this time with three exclamation</p> <p>13 points.</p> <p>14 Do you see that --</p> <p>15 A. Yes.</p> <p>16 Q. -- the subject line?</p> <p>17 A. Yes.</p> <p>18 Q. And Maryann is informing you -- the</p> <p>19 last sentence of the top part of the e-mail</p> <p>20 says, "We cannot move them until all these</p> <p>21 invoices are paid."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Take a look at Defendants' Exhibit</p> <p>25 14. It's another e-mail between Maryann,</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes, that we have four containers</p> <p>2 here that have been paid for.</p> <p>3 Q. Was there a wire to C&H at that</p> <p>4 time?</p> <p>5 A. No, there was not.</p> <p>6 Q. The second paragraph, she says, "The</p> <p>7 second issue is the remaining containers that</p> <p>8 are in port or on the way that have not been</p> <p>9 paid for by OPI." So one portion is containers</p> <p>10 where there's payment, one portion is containers</p> <p>11 there or en route where there's no payment. Is</p> <p>12 that a fair statement of her assessment?</p> <p>13 A. Correct.</p> <p>14 Q. She then references, the third</p> <p>15 sentence of that second paragraph, "We never</p> <p>16 received any cancellations on any of these</p> <p>17 orders."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall an issue of a dispute</p> <p>21 between Jest and OPI that orders had been</p> <p>22 canceled?</p> <p>23 A. There was in June or July a</p> <p>24 modification of the purchase orders, in which</p> <p>25 they were restated, in which she sent Mr. Reaser</p>
<p style="text-align: right;">Page 71</p> <p>1 yourself, Samantha Hamilton and Kerry Forsdahl,</p> <p>2 again requesting payments and tracking the</p> <p>3 invoices and the amounts that are due?</p> <p>4 A. Yes.</p> <p>5 Q. And if there's ever a time, other</p> <p>6 than the one you referenced, where I'm showing</p> <p>7 you a document that you've never seen before or</p> <p>8 something like that, please let me know because</p> <p>9 we're trying to confirm that these have been</p> <p>10 received by you.</p> <p>11 A. Yes.</p> <p>12 Q. Take a look at Exhibit 16.</p> <p>13 A. Yes.</p> <p>14 Q. It's an e-mail from Kerry dated</p> <p>15 October 12th, 2018 to you, subject line "Current</p> <p>16 situation," which I think is right around the</p> <p>17 time of the lawsuit.</p> <p>18 Correct me if I'm wrong, and I'm</p> <p>19 going to be paraphrasing, but she's informing</p> <p>20 you, on behalf of OPI, that there are containers</p> <p>21 in the U.S. that have not been paid for?</p> <p>22 A. I think it's contrary to that.</p> <p>23 Q. Go ahead.</p> <p>24 A. The very first sentence says --</p> <p>25 Q. I'm sorry. That have been paid for.</p>	<p style="text-align: right;">Page 73</p> <p>1 an e-mail stating that these are the blinds that</p> <p>2 are to be made, and there were -- these are the</p> <p>3 blinds that are to be made, and she asked him to</p> <p>4 confirm and he confirmed.</p> <p>5 Q. This is an e-mail between Kerry and</p> <p>6 Dan?</p> <p>7 A. June 18th.</p> <p>8 Q. And it's confirming what?</p> <p>9 A. She sent to Mr. Reaser an e-mail</p> <p>10 saying these are the blinds by number for</p> <p>11 Walmart, these are the blinds for others that</p> <p>12 will be produced, sent the e-mail to Mr. Reaser</p> <p>13 asking him to confirm, and then I believe she</p> <p>14 sent him a follow-up one asking him to confirm</p> <p>15 again, and he did at that time.</p> <p>16 Q. And I'm trying to tie that to</p> <p>17 cancellation. Are you saying that your belief</p> <p>18 is that -- or OPI's belief is that that modified</p> <p>19 the total number or something?</p> <p>20 A. Yes, it did.</p> <p>21 Q. Flip to the second page of Exhibit</p> <p>22 16. The top part is an e-mail from Dan to</p> <p>23 yourself and Shannon Reaser.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>